

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 10,313
)
Appeal of)

INTRODUCTION

The petitioner appeals the Department of Social Welfare's decision to reduce her Food Stamp benefits based on her receipt of Plan to Achieve Self Support (P.A.S.S.) income pursuant to provisions of the Social Security Act.

FINDINGS OF FACT

1. The petitioner is a recipient of Social Security Disability benefits (Title II) in the amount of \$508.00 per month. She also receives Food Stamps which, prior to the Department's action at issue, amounted to \$105.00 per month.

2. In March of 1990, the petitioner began to participate in the PASS program through the Department of Rehabilitation and Aging. As part of that program, the petitioner would draw up a plan to achieve self-sufficiency and receive funding which was to be used solely to carry out that plan through the purchase of equipment and materials, enrollment in educational courses, and the like. The money which would come from the Social Security Administration was not to be used for living expenses. A copy of the petitioner's plan is attached as Exhibit 1.

3. In December of 1990, the petitioner received her

first cash payment in the amount of \$445.00. She timely reported receipt of that income to the Department of Social Welfare and placed it in a separate account for her self-support training.

4. After confirming the receipt of that income, the Department notified the petitioner that the \$445.00 had to be included as "unearned income" available for her use under the Food Stamp regulations. The result was a reduction in her Food Stamp benefit from \$105.00 to \$10.00 beginning March 1, 1991.

5. Although her Food Stamps were reduced, the petitioner has not and does not intend to use any of the money in her P.A.S.S. account for living expenses.

ORDER

The Department's decision counting the P.A.S.S. payment as income is reversed.

REASONS

The facts in this case are identical to those in Fair Hearing Nos. 8210, 8989 and 9549 decided by the Board in favor of the petitioners. The reasoning in those cases is adopted as the rationale herein.

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